

Application No. 09/575,552

Docket No. 22-0099

REMARKS

Claims 4 and 11-19 and 21 were submitted for reconsideration and re-examination. In the aforementioned Office action, claims 13, 14, 16-19 and 21 were rejected as unpatentable over a newly cited combination of art, and as unpatentable for failure to comply with the enablement requirement. Applicant notes with appreciation the confirmation of allowance of claims 4, 11, 12 and 15.

To expedite allowance and issue of the application, Applicant has cancelled the rejected claims, reserving the right to continue their prosecution by way of a timely continuation application.

Applicant acknowledges the new rejection of claims 13, 14, 16-18 and 21 under 35 U.S.C. §103(a). Although Applicant believes the new ground of rejection to be without merit, Applicant chooses not to respond in this amendment, but instead to cancel the rejected claims. Applicant similarly acknowledges the new rejection of claims 13, 14, 16-18 and 21 under 35 U.S.C. §112, first paragraph, based on an alleged failure to disclose the "switch for switching data packets from each uplink to selected queues based on priority classes of data packets." Applicant's position is that this ground of rejection also lacks merit. In particular, the "selected queues" said not to be disclosed in the specification are clearly shown in FIG. 2 (queues Q₁ – Q_n) and described on page 13, line 13 through page 14, line 8. The rejected claims have been cancelled only to expedite prosecution and it should not be inferred that Applicant concurs with the Examiner's reasons for rejection of the claims.

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Since all of the rejected claims have been cancelled, Applicant respectfully requests formal allowance of the application, with claims 4, 11, 12 and 15.

Respectfully submitted,

Date: October 10, 2005

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